

PLAN

AND REGULATIONS

OF

THE NAVAL SCHOOL

AT

ANNAPOLIS.

WASHINGTON:
C. ALEXANDER, PRINTER
1847.

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ESTABLISHMENT
OF
THE NAVAL SCHOOL.

LETTER FROM THE SECRETARY OF THE NAVY TO COMMANDER
FRANKLIN BUCHANAN.

NAVY DEPARTMENT, *Aug. 7, 1845.*

SIR:—The Secretary of War, with the assent of the President, is prepared to transfer Fort Severn to the Navy Department, for the purpose of establishing there a school for midshipmen.

In carrying this design into effect, it is my desire to avoid all unnecessary expense—to create no places of easy service—no commands that are not strictly necessary—to incur no charge that may demand new annual appropriations ; but by a more wise application of moneys already appropriated, and offices already authorized, to provide for the better education of the young officers of the navy. It is my design not to create new offices ; but, by economy of administration, to give vigor of action to those which at present are available ; not to invoke new legislation, but to execute more effectually existing laws. Placed by their profession in connexion with the world, visiting in their career of service every climate and every leading people, the officers of the American navy, if they gain but opportu-

nity for scientific instruction, may make themselves as distinguished for culture as they have been for gallant conduct.

To this end it is proposed to collect the midshipmen who from time to time are on shore, and give them occupation during their stay on land in the study of mathematics, nautical astronomy, theory of morals, international law, gunnery, use of steam, the Spanish and the French languages, and other branches essential in the present day to the accomplishment of a naval officer.

The effect of such an employment of the midshipmen cannot but be favorable to them and to the service. At present they are left, when waiting orders on shore, masters of their own motions, without steady occupation—young, and exulting in the relief from the restraints of discipline on shipboard.

In collecting them at Annapolis for purposes of instruction, you will begin with the principle that a warrant in the navy, far from being an excuse for licentious freedom, is to be held a pledge for subordination, industry, and regularity—for sobriety, and assiduous attention to duty. Far from consenting that the tone of discipline and morality should be less than at the universities or colleges of our country, the President expects such supervision and management as shall make of them an exemplary body, of which the country may be proud.

To this end you have all the powers for discipline conferred by the laws of the United States, and the certainty that the Department will recommend no one for promotion who is proved unworthy of it from idleness or ill conduct, or continuing ignorance, and who cannot bear the test of a rigid examination.

For the purposes of instruction, the Department can select from among twenty-two Professors and three Teachers of Languages. This force, which is now almost wasted by the manner in which it is applied, may be concentrated in such a manner as to produce the most satisfactory results. Besides, the list of Chaplains is so great, that they cannot all be employed at sea, and the range of selection of teachers may be enlarged by taking from their number some who would prefer giving instruction at the school to serving afloat. The object of the Department being to make the simplest and most effective arrangement for a school, you will be the highest officer in the establishment, and will be intrusted with its government. It is my wish, if it be possible, to send no other naval officer to the school except such as may be able and willing to give instruction. Among the officers junior to yourself, there are many whose acquisitions and tastes may lead them to desire such situations. For this end the Department would cheerfully detach three or four of the lieutenants and passed midshipmen, who, while they would give instruction, would be ready to aid you in affairs of discipline and government. Thus the means for a good naval school are abundant, though they have not yet been collected together and applied. One great difficulty remains to be considered. At our colleges and at West Point, young men are trained in a series of consecutive years: the laws of the United States do not sanction a preliminary school for the navy; they only provide for the instruction of officers who already are in the Navy. The pupils of the Naval School being, therefore, officers in the public service, will be liable at all times to be called from their studies, and sent on public duty.

Midshipmen, too, on their return from sea, at whatever season of the year, will be sent to the school. Under these circumstances, you will be obliged to arrange your classes in such a manner as will leave opportunity for those who arrive to be attached to classes suited to the stage of their progress in their studies. It will be difficult to arrange a system of studies which will meet this emergency; but, with the fixed resolve which you will bring to the work, and with perseverance, you will succeed.

Having thus expressed to you some general views, I leave you, with such assistance as you may require, to prepare and lay before this Department for its approbation a plan for the organization of the Naval School at Fort Severn, Annapolis.

The posts to which you and those associated with you will be called are intended to be posts of labor; but they will also be posts of the highest usefulness and consideration. To yourself, to whose diligence and care the organization of the school is intrusted, will belong in a good degree the responsibility of a wise arrangement. Do not be discouraged by the many inconveniences and difficulties which you will certainly encounter, and rely implicitly on this Department as disposed to second and sustain you under the law in every effort to improve the character of the younger branch of the service.

I am, respectfully,

Your obedient servant,

GEORGE BANCROFT.

Com'r FRANKLIN BUCHANAN,

United States Navy, Washington.

REPLY OF COMMANDER BUCHANAN.

WASHINGTON, *Aug. 14th*, 1845.

SIR:—I have the honor to acknowledge the receipt of your communication of the 7th instant, directing me to lay before the Department, for its approbation, a plan for the organization of a Naval School, about to be established at Fort Severn, Annapolis, the government of which you have been pleased to honor me with.

Feeling sensibly the importance of the trust confided to me, after mature reflection, a close examination of the reports in relation to this subject from officers of high rank in the Navy, Professors and others, placed in my hands by the Department, and with the aid of Commanders McKean and Dupont, the former of whom was so successful in his government of the Naval Asylum, while the School was there held, I respectfully present for your consideration the enclosed plan, embracing, I believe, generally, the views expressed in your letter of the 7th instant.

According to your instructions, the plan submitted is kept strictly, so far as my knowledge extends, within the means now at the disposal of the Department. As the Navy increases, and the country becomes alive to the advantages of a more extended education to those who are entrusted with the maintenance of its honor abroad, and who are so frequently called upon to perform intricate diplomatic services, an enlarged system will doubtless be provided for. Most of the reports made to you on this subject recommend a preliminary school, and a more extended academic term. For the first, no authority exists. Should the extension of the term of instruction be in accordance

with your own views, it can be so arranged ; but for the Midshipmen now in the service, I recommend that the present probation of five years be adhered to, and the proposed division of that period is based upon this view.

All of which is respectfully submitted by

Your obedient servant,

FRANKLIN BUCHANAN,

Commander.

To the Hon. GEO. BANCROFT,

Secretary of the Navy.

NOTE.—Accompanying this letter was the following Plan, which has since been revised by Commander Buchanan, and approved by the Department.

P L A N
O F
T H E N A V A L S C H O O L
A T
F O R T S E V E R N , A N N A P O L I S , M D .

1. The Superintendent of the School will be appointed by the Secretary of the Navy from the list of officers not higher in rank than Commander.

2. The Board of Examination annually appointed, will comprise at least two Captains in the Navy, but, except on that Board, no officer of higher rank than that of Commander shall be ordered on duty at the Naval School.

3. The Superintendent will have the immediate government of the institution, will be responsible for its management, direct all academic duties, and command all Professors and others connected with the School. He will frame a code of Rules and Regulations for the internal government of the School, to be submitted to the Secretary of the Navy for his approval.

4. Professors and Instructors will be selected, so far as practicable, from officers of the Navy.

5. Professors, under the orders of the Superintendent, will constitute a board for the transaction of business, will conduct the examinations during the course, decide on the merits of the Midshipmen, report on the system of instruction, and suggest any improvements or alterations which their experience may dictate.

6. Every applicant for admission to the school must be of good moral character, not less than thirteen nor more than seventeen years of age, and must be examined by the Surgeon of the Institution, to ascertain if he be free from all deformity, deafness, nearness or other defect of sight, or disease or infirmity of any kind which would disqualify him from performing the active and arduous duties of a sea life. He must be able to read and write well, and be familiar with geography and arithmetic. The Academic Board will examine him on these branches, and certify to his capacity for admission into the School.

7. When an Acting Midshipman receives his appointment, he is to be attached to the Naval School, subject to the exigencies of the service. Semi-annual examinations will be held at the School. Those who shall be found deficient at any examination, will be dropped from the lists and returned to their friends. Those whose conduct and proficiency meet with the approbation of the Superintendent and Academic Board, will be retained in the service and ordered to sea. After performing sea duty for six months, and receiving a favorable report of his conduct during that time from his commander, he will be entitled to a warrant bearing the date of his acting appointment. Otherwise, he will be dropped from the lists, and restored to his friends.

8. All Midshipmen on shore, not on leave of absence, will be ordered to the Naval School.

9. A Midshipman, after serving three years at sea as now required, and having received a short leave of absence, at the discretion of the Department, to visit his friends, will report at its expiration to the Naval School, to pursue his course of studies preparatory to his final examination.

10. The course of studies will include—English Grammar and Composition; Arithmetic, Geography, and History; Navigation, Gunnery, and the use of Steam; the Spanish and French Languages; and such other branches, desirable to the accomplishment of a naval officer, as circumstances may render practicable.

11. The Professors will be required to keep records of all the recitations, and report weekly to the Superintendent the progress and relative merit of the students. From these weekly reports the Superintendent will make quarterly reports to the Secretary of the Navy.

12. Classes will be arranged according to the acquirements and capacity of the Midshipmen.

13. The final examination for promotion will embrace all the branches taught at the School.

14. All Midshipmen at the Naval School must provide themselves with such books as are necessary to pursue their studies; a quadrant, their uniform and bedding.

15. A sloop of war, or brig, may be connected with the institution, as a school of practice in seamanship, evolutions, and gunnery.

16. The Board, annually appointed under the Regulations of the Navy, for the examination of Midshipmen for promotion, are to inspect generally the management of the institution, and report to the Secretary of the Navy on its condition and the means of improving it.

Respectfully submitted.

FRANKLIN BUCHANAN,

Commander.

Approved :

Navy Department, Aug. 28, 1846.

GEORGE BANCROFT.

LIST OF CLOTHING.

Candidates for admission into the Naval School must be provided with not less than the following clothing:

One good dark blue cloth jacket.

One good dark blue cloth vest.

One pair dark blue cloth pantaloons.

Six white shirts.

Six pair of socks.

Four pair of drawers.

Six pocket handkerchiefs.

Two pair of sheets.

Four pillow cases.

Six towels.

In lieu of the above, fifty dollars may be deposited with the Superintendent, to be expended under his direction in a suitable outfit, for the use of the applicant.

J. Y. MASON.

NAVY DEPARTMENT,

February 19, 1847.

RULES AND REGULATIONS

*For the government of the U. S. Naval School at Fort
Severn, Annapolis.*

ARTICLE 1. The Laws and Regulations for the government of the Navy of the United States are to be strictly observed by every person attached to the School.

ART. 2. All regulations for the discipline and government of the School, issued from time to time by the Superintendent, must be strictly obeyed.

ART. 3. All officers are required to observe towards each other a courteous deportment, and to conduct themselves, on all occasions, with propriety and decorum.

ART. 4. Officers having cause of complaint against any person connected with the School will make known such cause to the Superintendent.

ART. 5. The Professors will be held responsible for the regular and orderly conduct of their respective classes while under their immediate instruction.

ART. 6. As obedience and subordination are essential to the purposes of the School, all Midshipmen are required to obey the commands of the Professors. The strictest attention to order and study is required in the recitation halls ; and no Midshipman will be allowed to absent himself from them without permission from a Professor.

ART. 7. No person will be excused from the performance of his duties on the plea of sickness, unless so ex-

cused by the Surgeon; and no officer whose name is on the sick list will be permitted to leave the bounds of the institution, unless it is recommended by the Surgeon.

ART. 8. The Professors are required to keep records of all the recitations, and report weekly to the Superintendent the progress and relative merit of the students, their absences, and all other delinquencies. From these weekly reports the Superintendent will make a quarterly report to the Secretary of the Navy.

ART. 9. The Professors are not permitted to exercise any discretionary power in excusing the students for absence from recitation, or for tardiness, but must report all such cases to the Superintendent.

ART. 10. During the hours appropriated to study, previous to recitations, the Midshipmen are directed to confine themselves to their rooms for that purpose, and are not permitted to lounge or promenade about the grounds of the institution.

ART. 11. A conduct-roll will be kept by the Superintendent, to be laid before the Board of Examiners, to embrace all improprieties committed at the School—such as neglect of duty, insubordination, disobedience of orders, inattention to studies, tardiness at recitations, breaking liberty, incorrect deportment at recitation, indecorous conduct at the mess-table, or elsewhere, irregularity at meal hours. All serious offences will be reported to the Secretary of the Navy for his action.

ART. 12. As one of the objects of the Government in retaining “Acting Midshipmen” at the School previous to their being sent to sea is to ascertain whether their qualifications and deportment are calculated to reflect credit

upon the Navy if retained in it, there will be a semi-annual examination of the junior class of Acting Midshipmen in all the branches taught them since joining the School.

ART. 13. No Midshipman is permitted to go beyond the limits of the institution without permission from the Superintendent or officer in charge.

ART. 14. One Midshipman from each room occupied by the students will perform the duties of superintendent of the room for one week; and he will be held responsible for the cleanliness and general neat arrangement of the room.

ART. 15. No Midshipman shall remove from the room assigned to him without permission from the Superintendent.

ART. 16. No Midshipman shall bring, or cause to be brought, within the limits of the institution, any wine, porter, or other intoxicating or spirituous liquors.

ART. 17. No Midshipman shall cook or prepare food in his room, or give any entertainment, without permission from the Superintendent.

ART. 18. No meals are to be furnished to Midshipmen in their rooms, except in cases of sickness, and then only by the Surgeon's orders.

ART. 19. Smoking cigars is prohibited in any of the Midshipmen's rooms, recitation halls, or mess-room. Chewing tobacco in the mess and recitation rooms is positively prohibited; and no Acting Midshipman will be permitted to chew or smoke tobacco.

ART. 20. The students are cautioned and enjoined not to mark, cut, or in any manner deface or injure the public buildings or property of any kind.

ART. 21. The Midshipmen must prepare their clothes for the washerwoman before recitation hours on Monday morning.

ART. 22. A Midshipman shall be detailed daily as "officer of the day," whose duty it shall be to carry into effect any orders he may receive from the Superintendent. His duties will commence at 8 A. M., and continue until 10.30 P. M. He will occupy office No. 1, at the gate, and not absent himself from there longer than his duties render it necessary. He will, when applied to by visitors and strangers, give any information required respecting the institution or persons connected with it. The watchmen will be under his orders, and assist him in executing the orders of the Superintendent. He will occasionally walk through the yard, and see that no improprieties are committed by any one. He is not to visit any of the Midshipmen's rooms, except on duty. He will, at 10.30 P. M., see all lights and fires extinguished in the recitation halls, mess-room, kitchen, and Midshipmen's rooms, and report to the Superintendent. The watchmen will accompany him, to extinguish the fires and lights. He will keep a record of the weather, height of the barometer and thermometer at the hours of 8 A. M., Meridian, and 8 P. M. He will record the arrival or departure of any officer attached to the School, mention in the "record-book" the number of mechanics and others employed from day to day, and insert the names of all visitors to the institution in the "visitor's register." A watchman will remain at the gate during the meal hours of the "officer of the day."

The meal hours are as follows: Breakfast at 8 A. M., dinner at 1.30 P. M., and supper at 6 P. M.

ART. 23. The Midshipmen who wish permission to visit the city of Annapolis, or go beyond the bounds of the institution, will record their names in the "liberty-book" by 4 o'clock P. M. of each day. The "officer of the day" will take charge of the "liberty-book," and submit the list of applicants at that hour to the Superintendent, or officer in charge during his absence, for his approval. Permission to be absent will be granted only after the regular hours appropriated to recitations and study during the day, and extend only until 10 o'clock P. M., unless by special permission to exceed that hour. All Midshipmen must report their return to the "officer of the day," who is directed to note the time of such return on the "liberty-book," for the inspection of the Superintendent, or commanding officer, at 9 o'clock the following morning. In the absence of the "officer of the day" from his office, officers will note the time of their return opposite their names. Any officer who is on the Surgeon's report, desiring liberty, will, after obtaining his consent, insert opposite his name "Doctor's consent."

The "liberty-book" is to be regarded as an official record, exhibiting faithfully each officer's return to the institution; and all entries must be made in ink.

Respectfully submitted.

FRANKLIN BUCHANAN,

Commander.

Approved:

Navy Department, Aug. 28, 1846.

GEORGE BANCROFT.

R U L E S

*To govern examinations at the Naval School at Fort
Severn, Annapolis, Maryland.*

The "Board of Examiners" will meet at the Naval School, Annapolis, Maryland, on the 15th July annually, and examine all the Midshipmen attached to the School. The Midshipmen whose warrants bear date prior to

are to be examined in all the branches taught at the School, in conformity with the Plan for a Naval School.

The Professors are to examine the Midshipmen in the several branches of their studies in the presence of the Board. The Board is to judge of the merits of the candidates in these branches; but in giving numbers, the general average on the Professors' reports, which will be submitted to the Board by the Superintendent after the academic examination, must be considered the basis. These reports will contain the academic standing deduced from all the branches, and give the aggregate for each candidate, or sum of the products obtained by multiplying the average in each branch by its proper factor. To this aggregate the Board will add the product obtained, by multiplying the averages in seamanship by its factor, in order to obtain the aggregate representing the relative merit in all the academic branches and seamanship combined. The list thus obtained will be modified by the Board, on the ground of the officer-like qualities of the candidates, their moral and general character, the correctness of their journals, and the

character of their letters from the Commanders with whom they have served. When the Board deems it necessary to modify the list referred to, its reasons must be specifically given in the final report to the Department, and the proposed modification will be subject to the revision of the Department. The list, as approved, will establish rank.

As it is important that the Department should be fully informed as to the respective merits of the candidates, the Board will make separate reports of their qualifications in the several branches upon which they shall be examined, and also a general report showing the relative rank to which they should be entitled.

The Board will adopt the scale of merit, from one to ten, in seamanship as in the other branches; and in making up their general average for the assignment of rank, the multiplier of five will be used in this branch. As a much higher value is thus placed on seamanship than on the other branches, the board is directed to exercise a sound judgment in deciding upon the numbers to be given to the candidate before them previous to the examination of another.

A failure to pass in any branch other than seamanship and navigation is not absolutely to *reject* an officer, provided he passes high in those branches. An officer who shall be *rejected* will be dropped from the Navy list, and restored to his friends. An officer who shall fail to pass in any of the branches taught at the School, and yet displays character and talents that will render his services valuable to the Navy, may, if the Board is satisfied that there is a good excuse for the failure, have his case suspended upon its recommendation till the next examination, when, if he pass, he is to be assigned his proper rank among those with

whom he may be examined. A failure to pass a second time can admit of no excuse and must remove him from the service. Sickness, which may have prevented an officer from studying, may be considered a good reason for a second examination, provided his general deportment be correct. The time spent at the School by each Midshipman will be considered by the Board, and a due allowance made for any deficiencies resulting from the want of time to acquire a knowledge of the various academic studies.

In regard to the junior classes of Midshipmen, the same rules, in general, must apply to them which are hereby directed to be observed in the examination of the class for promotion. The examination of the juniors may be more cursory, and seamanship will be omitted. The Board will inform the Department if they have severally made good use of their time at the Naval School; and if any show a clear incapacity for the naval service, they must be reported, and their names will then be dropped from the list, and they will be restored to their friends.

The Board will, in conformity with the 16th article of the "Plan for a Naval School," inspect generally the management of the institution, and report to the Department on its condition and means of improving it.

All the proceedings of the Board will be recorded in the "Examination record-book," and deposited with the Superintendent of the School.

Respectfully submitted.

FRANKLIN BUCHANAN,

Commander.

Approved :

Navy Department, Aug. 28, 1846.

GEORGE BANCROFT.

AN ACT for the better government of the Navy of the United States.

SEC. 1. *Be it enacted, &c.,* That, from and after the first day of June next, the following rules and regulations be adopted and put in force, for the government of the Navy of the United States.

Art. 1. The commanders of all ships and vessels of war belonging to the navy are strictly enjoined and required to show in themselves a good example of virtue, honor, patriotism and subordination, and be vigilant in inspecting the conduct of all such as are placed under their command; and to guard against, and suppress, all dissolute and immoral practices, and to correct all such as are guilty of them, according to the usages of the sea service.

Art. 2. The commanders of all ships and vessels in the navy, having chaplains on board, shall take care that divine service be performed in a solemn, orderly, and reverent manner twice a day, and a sermon preached on Sunday, unless bad weather, or other extraordinary accidents prevent it: and that they cause all, or as many of the ship's company as can be spared from duty, to attend at every performance of the worship of Almighty God.

Art. 3. Any officer, or other person, in the navy, who shall be guilty of oppression, cruelty, fraud, profane swearing, drunkenness, or any other scandalous conduct, tending to the destruction of good morals, shall, if an officer, be cashiered, or suffer such other punishment as a court martial shall adjudge: if a private, shall be put in irons, or flogged, at the discretion of the captain, not exceeding

twelve lashes ; but if the offence require severer punishment, he shall be tried by a court martial, and suffer such punishment as said court shall inflict.

Art. 4. Every commander or other officer, who shall, upon signal for battle, or on the probability of an engagement, neglect to clear his ship for action, or shall not use his utmost exertions to bring his ship to battle, or shall fail to encourage, in his own person, his inferior officers and men to fight courageously, such offender shall suffer death, or such other punishment as a court martial shall adjudge ; or any officer neglecting, on sight of any vessel or vessels of an enemy, to clear his ship for action, shall suffer such punishment as a court martial shall adjudge ; and if any person in the navy shall treacherously yield, or pusillanimously cry for quarters, he shall suffer death, on conviction thereof, by a general court martial.

Art. 5. Every officer, or private, who shall not properly observe the orders of his commanding officer, or shall not use his utmost exertions to carry them into execution, when ordered to prepare for, join in, or when actually engaged in, battle ; or shall at such time basely desert his duty or station, either then, or while in sight of an enemy, or shall induce others to do so, every person so offending shall, on conviction thereof by a general court martial, suffer death, or such other punishment as the said court shall adjudge.

Art. 6. Every officer, or private, who shall, through cowardice, neglect, or disaffection, in time of action, withdraw from or keep out of battle, or shall not do his utmost to take or destroy every vessel which it is his duty to encounter, or shall not do his utmost endeavor to afford relief to ships belonging to the United States, every such offender

shall, on conviction thereof by a general court martial, suffer death, or such other punishment as the said court shall adjudge.

Art. 7. The commanding officer of every ship or vessel in the navy, who shall capture, or seize upon, any vessel as a prize, shall carefully preserve all the papers and writing found on board, and transmit the whole of the originals, unmutilated, to the judge of the district to which such prize is ordered to proceed, and shall transmit to the Navy Department, and the agent appointed to pay the prize money, complete lists of the officers and men entitled to a share of the capture, inserting therein the quality of every person rating, on pain of forfeiting his whole share of the prize money resulting from such capture, and suffering such further punishment as a court martial shall adjudge.

Art. 8. No person in the navy shall take out of a prize, or vessel seized as a prize, any money, plate, goods, or any part of her rigging, unless it be for the better preservation thereof, or absolutely necessary for the use of any of the vessels of the United States, before the same shall be adjudged lawful prize by a competent court; but the whole, without fraud, concealment, or embezzlement, shall be brought in, and judgment passed thereon, upon pain that every person offending herein, shall forfeit his share of the capture, and suffer such further punishment as a court martial, or the court of admiralty in which the prize is adjudged, shall impose.

Art. 9. No person in the navy shall strip of their clothes, or pillage, or in any manner maltreat, persons taken on board a prize, on pain of such punishment as a court martial shall adjudge.

Art. 10. No person in the navy shall give, hold, or entertain any intercourse or intelligence to or with any enemy or rebel, without leave from the President of the United States, the Secretary of the Navy, the commander-in-chief of the fleet, or the commander of a squadron; or, in case of a vessel acting singly, from his commanding officer, on pain of death, or such other punishment as a court martial shall adjudge.

Art. 11. If any letter or message from an enemy or rebel be conveyed to any officer or private of the navy, and he shall not, within twelve hours, make the same known, having opportunity so to do, to his superior or commanding officer; or if any officer commanding a ship or vessel, being acquainted therewith, shall not, with all convenient speed, reveal the same to the commander-in-chief of the fleet, commander of a squadron, or other proper officer, whose duty it may be to take cognizance thereof, every such offender shall suffer death, or such other punishment as a court martial shall adjudge.

Art. 12. Spies, and all persons who shall come or be found in the capacity of spies, or who shall bring or deliver any seducing letter or message, from an enemy or rebel, or endeavor to corrupt any person in the navy to betray his trust, shall suffer death, or such other punishment as a court martial shall adjudge.

Art. 13. If any person in the navy shall make, or attempt to make, any mutinous assembly, he shall, on conviction thereof by a court martial, suffer death; and if any person as aforesaid shall utter any seditious or mutinous words, or shall conceal or connive at any mutinous or seditious practices, or shall treat with contempt his superior,

being in the execution of his office ; or, being witness to any mutiny or sedition, shall not do his utmost to suppress it, he shall be punished at the discretion of a court martial.

Art. 14. No officer or private in the navy shall disobey the lawful orders of his superior officer, or strike him, or draw, or offer to draw, or raise, any weapon against him, while in the execution of the duties of his office, on pain of death, or such other punishment as a court martial shall inflict.

Art. 15. No person in the navy shall quarrel with any other person in the navy, nor use provoking or reproachful words, gestures, or menaces, on pain of such punishment as a court martial shall adjudge.

Art. 16. If any person in the navy shall desert to an enemy, or rebel, he shall suffer death.

Art. 17. If any person in the navy shall desert, or shall entice others to desert, he shall suffer death, or such other punishment as a court martial shall adjudge ; and if any officer, or other person belonging to the navy, shall receive or entertain any deserter from any other vessel of the navy, knowing him to be such, and shall not, with all convenient speed, give notice of such deserter to the commander of the vessel to which he belongs, or to the commander-in-chief, or to the commander of the squadron, he shall, on conviction thereof, be cashiered, or be punished at the discretion of a court martial. All offences committed by persons belonging to the navy while on shore, shall be punished in the same manner as if they had been committed at sea.

Art. 18. If any person in the navy shall knowingly make or sign, or shall aid, abet, direct, or procure, the making or signing of any false muster, or shall execute or attempt, or

countenance, any fraud against the United States, he shall, on conviction, be cashiered, and rendered forever incapable of any future employment in the service of the United States, and shall forfeit all the pay and subsistence due him, and suffer such other punishment as a court martial shall inflict.

Art. 19. If any officer, or other person, in the navy, shall, through inattention, negligence, or any other fault, suffer any vessel of the navy to be stranded, or run upon rocks or shoals, or hazarded, he shall suffer such punishment as a court martial shall adjudge.

Art. 20. If any person in the navy shall sleep upon his watch, or negligently perform the duty assigned him, or leave his station before regularly relieved, he shall suffer death, or such punishment as a court martial shall adjudge; or, if the offender be a private, he may, at the discretion of the captain, be put in irons, or flogged not exceeding twelve lashes.

Art. 21. The crime of murder, when committed by any officer, seaman, or marine, belonging to any public ship or vessel of the United States, without the territorial jurisdiction of the same, may be punished with death by the sentence of a court martial.

Art. 22. The officers and privates of every ship or vessel appointed as convoy to merchant or other vessels, shall diligently and faithfully discharge the duties of their appointment, nor shall they demand or exact any compensation for their services, nor maltreat any of the officers or crews of such merchant or other vessels, on pain of making such reparation as a court of admiralty may award, and of suffering such further punishment as a court martial shall adjudge.

Art. 23. If any commander or other officer shall receive or permit to be received, on board his vessel, any goods or merchandise, other than for the sole use of his vessel, except gold, silver, or jewels, and except the goods, or merchandise of vessels which may be in distress, or shipwrecked, or in imminent danger of being shipwrecked, in order to preserve them for their owner, without orders from the President of the United States or the Navy Department, he shall, on conviction thereof, be cashiered, and be incapacitated forever afterwards for any place or office in the navy.

Art. 24. If any person in the navy shall waste, embezzle, or fraudulently buy, sell, or receive, any ammunition, provisions, or other public stores ; or if any officer or other person shall, knowingly, permit, through design, negligence, or inattention, any such waste, embezzlement, sale or receipt, every such person shall forfeit all the pay and subsistence then due him, and suffer such further punishment as a court martial shall direct.

Art. 25. If any person in the navy shall unlawfully set fire to or burn any kind of public property, not then in the possession of an enemy, pirate, or rebel, he shall suffer death : and if any person shall, in any other manner, destroy such property, or shall not use his best exertions to prevent the destruction thereof by others, he shall be punished at the discretion of a court martial.

Art. 26. Any theft, not exceeding twenty dollars, may be punished at the discretion of the captain, and above that sum, as a court martial shall direct.

Art. 27. If any person in the navy shall, when on shore, plunder, abuse, or maltreat, any inhabitant, or injure his

property in any way, he shall suffer such punishment as a court martial shall adjudge.

Art. 28. Every person in the navy shall use his utmost exertions to detect, apprehend, and bring to punishment, all offenders, and shall, at all times, aid and assist all persons appointed for this purpose, on pain of such punishment as a court martial shall adjudge.

Art. 29. Each commanding officer shall, whenever a seaman enters on board, cause an accurate entry to be made in the ship's books of his name, time, and term of service; and, before sailing, transmit to the Secretary of the Navy a complete list or muster roll of the officers and men under his command, with the date of their entering, time and terms of their service annexed; and shall cause similar lists to be made out on the first day of every second month, to be transmitted to the Secretary of the Navy, as opportunities shall occur; accounting in such lists or muster rolls, for any casualties which may have taken place since the last list or muster roll. He shall cause to be accurately minuted on the ship's books, the names of, and times at which any death or desertion may occur; and in case of death, shall take care that the purser secure all the property of the deceased for the benefit of his legal representative or representatives. He shall cause frequent inspections to be made into the condition of the provisions, and use every precaution for its preservation. He shall, whenever he orders officers and men to take charge of a prize, and proceed to the United States, and whenever officers or men are sent from his ship for whatever cause, take care that each man be furnished with a complete statement of his account, specifying the date of his enlistment, and the period and terms

of his service; which account shall be signed by the commanding officer and purser. He shall cause the rules for the government of the navy to be hung up in some public part of the ship, and read once a month to his ship's company. He shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed, with their hammocks and bedding, when the surgeon shall so advise, and shall direct that some of the crew attend them and keep the place clean; and, if necessary, shall direct that cradles, and buckets with covers, be made for their use: and when his crew is finally paid off, he shall attend in person, or appoint a proper officer, to see that justice be done to the men, and to the United States, in the settlement of the accounts. Any commanding officer, offending herein, shall be punished at the discretion of a court martial.

Art. 30. No commanding officer shall, of his own authority, discharge a commissioned or warrant officer, nor strike, nor punish him otherwise than by suspension or confinement, nor shall he, of his own authority, inflict a punishment on any private beyond twelve lashes with a cat-of-nine-tails, nor shall he suffer any wired, or other than a plain, cat-of-nine-tails, to be used on board his ship; nor shall any officer who may command by accident, or in the absence of the commanding officer (except such commander be absent for a time by leave) order or inflict any other punishment than confinement, for which he shall account on the return of such absent commanding officer. Nor shall any commanding officer receive on board any petty officers or men, turned over from any other vessel to him, unless each of such officers and men produce to him an ac-

count, signed by the captain and purser of the vessel from which they came, specifying the date of such officer's or man's entry, the period and terms of service, the sums paid and the balance due him, and the quality in which he was rated on board such ship. Nor shall any commanding officer, having received any petty officer or man as aforesaid, rate him in a lower or worse station than that in which he formerly served. Any commanding officer, offending herein, shall be punished at the discretion of a court martial.

Art. 31. Any master-at-arms, or other person of whom the duty of master-at-arms is required, who shall refuse to receive such prisoners as shall be committed to his charge, or having received them, shall suffer them to escape, or dismiss them without orders from proper authority, shall suffer in such prisoners stead, or be punished otherwise at the discretion of a court martial.

Art. 32. All crimes committed by persons belonging to the navy, which are not specified in the foregoing articles, shall be punished according to the laws and customs in such cases at sea.

Art. 33. All officers, not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, are deemed petty officers.

Art. 34. Any person entitled to wages or prize money may have the same paid to his assignee, provided the assignment be attested by the captain and purser; and in case of the assignment of wages, the power shall specify the precise time they commence. But the commander of every vessel is required to discourage his crews from selling any part of their wages or prize money; and never to attest any

power of attorney, until he is satisfied that the same is not granted in consideration of money given for the purchase of wages or prize money.

NAVAL GENERAL COURTS MARTIAL.

Art. 35. General courts martial may be convened as often as the President of the United States, the Secretary of the Navy, or the commander-in-chief of the fleet, or commander of a squadron, while acting out of the United States, shall deem it necessary: *Provided*, that no general court martial shall consist of more than thirteen, nor less than five, members, and as many officers shall be summoned on every such court as can be convened without injury to the service, so as not to exceed thirteen, and the senior officer shall always preside, the others ranking agreeably to the date of their commissions; and in no case, where it can be avoided without injury to the service, shall more than one-half the members, exclusive of the president, be junior to the officer to be tried.

Art. 36. Each member of the court, before proceeding to trial shall take the following oath or affirmation, which the judge advocate, or person officiating as such, is hereby authorized to administer.

“ I, A. B., do swear [or affirm] that I will truly try, without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the navy, and my own conscience; and that I will not by any means divulge or disclose the sentence of the court, until it shall have been approved by the proper authority, nor will I at any time divulge or disclose the vote or opinion of any particular mem-

ber of the court, unless required so to do before a court of justice in due course of law.”

This oath or affirmation being duly administered, the President is authorized and required to administer the following oath or affirmation to the judge advocate, or person officiating as such.

“I, A. B., do swear [or affirm] that I will keep a true record of the evidence given to, and the proceedings of, this court; nor will I divulge, or by any means disclose, the sentence of the court until it shall have been approved by the proper authority; nor will I at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law.”

Art. 37. All testimony given to a general court martial shall be on oath or affirmation, which the president of the court is hereby authorized to administer, and if any person shall refuse to give his evidence as aforesaid, or shall prevaricate, or shall behave with contempt to the court, it shall and may be lawful for the court to imprison such offender at their discretion; *provided*, that the imprisonment in no case shall exceed two months: And every person who shall commit wilful perjury on examination on oath or affirmation before such court, or who shall corruptly procure, or suborn, any person to commit such wilful perjury, shall and may be prosecuted by indictment or information in any court of justice of the United States, and shall suffer such penalties as are authorized by the laws of the United States in cases of perjury, or the subornation thereof. And in every prosecution for perjury, or the subornation thereof, under this act, it shall be sufficient to set forth the offence

charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought, or intended to be brought, before the said court.

Art. 38. All charges, on which an application for a general court martial is founded, shall be exhibited in writing to the proper officer, and the person demanding the court shall take care that the person accused be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest, nor shall any other charge or charges, than those so exhibited, be urged against the person to be tried before the court, unless it appear to the court that intelligence of such charge had not reached the person demanding the court, when the person so to be tried was put under arrest, or that some witness material to the support of such charge, who was at that time absent, can be produced; in which case, reasonable time shall be given to the person to be tried to make his defence against such new charge. Every officer so arrested is to deliver up his sword to his commanding officer, and to confine himself to the limits assigned him, under pain of dismissal from service.

Art. 39. When the proceedings of any general court martial shall have commenced, they shall not be suspended or delayed on account of the absence of any of the members, provided five or more be assembled; but the court is enjoined to sit from day to day, Sundays excepted, until sentence be given: And no member of said court shall, after the proceedings are begun, absent himself therefrom, unless in case of sickness, or orders to go on duty from a superior officer, on pain of being cashiered.

Art. 40. Whenever a court martial shall sentence an officer to be suspended, the court shall have power to sus-

pend his pay and emoluments for the whole, or any part, of the time of his suspension.

Art. 41. All sentences of courts martial, which shall extend to the loss of life, shall require the concurrence of two-thirds of the members present ; and no such sentence shall be carried into execution, until confirmed by the President of the United States ; or, if the trial take place out of the United States, until it be confirmed by the commander of the fleet or squadron : All other sentences may be determined by a majority of votes, and carried into execution on confirmation of the commander of the fleet, or officer ordering the court, except such as go to the dismissal of a commissioned or warrant officer, which are first to be approved by the President of the United States.

A court martial shall not, for any one offence not capital, inflict a punishment beyond one hundred lashes.

Art. 42. The President of the United States, or, when the trial takes place out of the United States, the commander of the fleet or squadron, shall possess full power to pardon any offence committed against these articles, after conviction, or to mitigate the punishment decreed by a court-martial.

SEC. 2. *Art. 1.* *And be it further enacted,* That courts of inquiry may be ordered by the President of the United States, the Secretary of the Navy, or the commander of a fleet or squadron, provided such court shall not consist of more than three members, who shall be commissioned officers, and a judge advocate, or person to do duty as such ; and such courts shall have power to summon witnesses, administer oaths, and punish contempt in the same manner as courts martial. But such court shall merely state facts, and

not give their opinion, unless expressly required so to do in the order for convening; and the party whose conduct shall be the subject of inquiry, shall have permission to cross-examine all the witnesses.

Art. 2. The proceedings of courts of inquiry shall be authenticated by the signature of the President of the court and judge advocate, and shall, in all cases not capital, or extending to the dismissal of a commissioned or warrant officer, be evidence before a court martial, provided oral testimony cannot be obtained.

Art. 3. The judge advocate, or person officiating as such, shall administer to the members the following oath or affirmation:

“ You do swear, [or affirm,] well and truly to examine and inquire, according to the evidence, into the matter now before you, without partiality or prejudice.”

After which, the president shall administer to the judge advocate, or person officiating as such, the following oath or affirmation:

“ You do swear, [or affirm,] truly to record the proceedings of this court, and the evidence to be given in the case in hearing.”

SEC. 3. And be it further enacted, That in all cases, where the crews of the ships or vessels of the United States shall be separated from their vessels, by the latter being wrecked, lost, or destroyed, all the command, power, and authority, given to the officers of such ships or vessels, shall remain and be in full force as effectually as if such ship or vessel were not so wrecked, lost, or destroyed, until such ship's company be regularly discharged from, or ordered again into, the service, or until a court martial shall be held

to inquire into the loss of such ship or vessel ; and if, by the sentence of such court, or other satisfactory evidence, it shall appear that all or any of the officers and men of such ship's company did their utmost to preserve her, and after the loss thereof behaved themselves agreeably to the discipline of the navy, then the pay and emoluments of such officers and men, or such of them as shall have done their duty as aforesaid, shall go on until their discharge or death ; and every officer or private who shall, after the loss of such vessel, act contrary to the discipline of the navy, shall be punished at the discretion of a court martial, in the same manner as if such vessel had not been so lost.

SEC. 4. *And be it further enacted*, That all the pay and emoluments of such officers and men, of any of the ships or vessels of the United States taken by an enemy, who shall appear by the sentence of a court martial, or otherwise, to have done their utmost to preserve and defend their ship or vessel, and after the taking thereof, have behaved themselves obediently to their superiors, agreeably to the discipline of the navy, shall go on, and be paid them until their death, exchange, or discharge.

SEC. 5. *And be it further enacted*, That the proceeds of all ships and vessels, and the goods taken on board of them, which shall be adjudged good prize, shall, when of equal or superior force to the vessel or vessels making the capture, be the sole property of the captors ; and when of inferior force, shall be divided equally between the United States and the officers and men making the capture.

SEC. 6. *And be it further enacted*, That the prize money belonging to the officers and men, shall be distributed in the following manner :

1. To the commanding officers of fleets, squadrons, or single ships, three-twentieths, of which the commanding officer of the fleet or squadron shall have one-twentieth, if the prize be taken by a ship or vessel acting under his command, and the commander of single ships two-twentieths; but where the prize is taken by a ship acting independently of such superior officer, the three-twentieths shall belong to her commander.

2. To sea lieutenants, captains of marines, and sailing masters, two-twentieths; but where there is a captain, without a lieutenant of marines, these officers shall be entitled to two-twentieths and one-third of a twentieth, which third, in such case, shall be deducted from the share of the officers mentioned in article No. 3, of this section.

3. To chaplains, lieutenants of marines, surgeons, pursers, boatswains, gunners, carpenters, and master's mates, two-twentieths.

4. To midshipmen, surgeon's mates, captain's clerks, schoolmasters, boatswain's mates, gunner's mates, carpenter's mates, ship's stewards, sailmakers, masters-at-arms, armorers, cockswains, and coopers, three-twentieths and an half.

5. To gunner's yeomen, boatswain's yeomen, quarter-masters, quarter gunners, sailmaker's mates, sergeants and corporals of marines, drummers, fifers, and extra petty officers, two-twentieths and an half.

6. To seamen, ordinary seamen, marines, and all other persons doing duty on board, seven-twentieths.

7. Whenever one or more public ships or vessels are in sight at the time any one or more ships are taking a prize or prizes, they shall all share equally in the prize or prizes,

according to the number of men and guns on board each ship in sight. No commander of a fleet or squadron shall be entitled to receive any share of prizes taken by vessels not under his immediate command; nor of such prizes as may have been taken by ships or vessels intended to be placed under his command, before they have acted under his immediate orders; nor shall a commander of a fleet or squadron, leaving the station where he had the command, have any share in the prizes taken by ships left on such station, after he has gone out of the limits of his said command.

SEC. 7. *And be it further enacted*, That a bounty shall be paid by the United States, of twenty dollars, for each person on board any ship of an enemy at the commencement of an engagement, which shall be sunk or destroyed by any ship or vessel belonging to the United States of equal or inferior force, the same to be divided among the officers and crew in the same manner as prize money.

SEC. 8. *And be it further enacted*, That every officer, seaman or marine, disabled in the line of his duty, shall be entitled to receive for life, or during his disability, a pension from the United States, according to the nature and degree of his disability, not exceeding one-half his monthly pay.

SEC. 9. *And be it further enacted*, That all money accruing, or which has already accrued, to the United States from the sale of prizes, shall be, and remain forever, a fund for the payment of pensions and half pay, should the same be hereafter granted, to the officers and seamen who may be entitled to receive the same: and if the said fund shall be insufficient for the purpose, the public faith is hereby

pledged to make up the deficiency ; but if it should be more than sufficient, the surplus shall be applied to the making of further provision for the comfort of the disabled officers, seamen, marines, and for such as, though not disabled, may merit, by their bravery, or long and faithful services, the gratitude of their country.

SEC. 10. *And be it further enacted*, That the said fund shall be under the management and direction of the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, for the time being, who are hereby authorized to receive any sums to which the United States may be entitled from the sale of prizes, and employ and invest the same, and the interest arising therefrom, in any manner which a majority of them may deem most advantageous ; And it shall be the duty of the said commissioners to lay before Congress, annually, in the first week of their session, a minute statement of their proceedings relative to the management of said fund.

SEC. 11. *And be it further enacted*, That the act passed the second day of March, in the year one thousand seven hundred and ninety-nine, entitled “ An act for the government of the navy of the United States,” from and after the first day of June next, shall be, and is hereby, repealed.

APPROVED, April 23, 1800.

